

U.S. Sentencing Commission Special Post-Booker Coding Project



Information for All Cases

Cases Sentenced Subsequent to *U.S. v. Booker*
(Data Extraction as of June 1, 2006)

Prepared: July 6, 2006



U.S. SENTENCING COMMISSION
SPECIAL POST-BOOKER CODING PROJECT
DATA EXTRACTION DATE: JUNE 1, 2006

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE**
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006

	N	%
TOTAL ¹	39,508	100.0
WITHIN GUIDELINE RANGE	24,442	61.9
DEPARTURE ABOVE GUIDELINE RANGE	340	0.9
Upward Departure from the Guideline Range ²	243	0.6
Upward Departure with <i>Booker</i> /18 U.S.C. § 3553 ³	97	0.2
OTHERWISE ABOVE THE GUIDELINE RANGE	308	0.8
Above the Range with <i>Booker</i> /18 U.S.C. § 3553 ⁴	255	0.6
All Remaining Cases Above the Guideline Range ⁵	53	0.1
GOVERNMENT SPONSORED BELOW RANGE	9,541	24.1
§5K1.1 Substantial Assistance Departure	5,636	14.3
§5K3.1 Early Disposition Program Departure	2,839	7.2
Government-Sponsored Departure ⁶	1,066	2.7
DEPARTURE BELOW GUIDELINE RANGE	2,049	5.2
Downward Departure from the Guideline Range ²	1,120	2.8
Downward Departure with <i>Booker</i> /18 U.S.C. § 3553 ³	929	2.4
OTHERWISE BELOW THE GUIDELINE RANGE	2,828	7.2
Below the Range with <i>Booker</i> /18 U.S.C. § 3553 ⁴	2,309	5.8
All Remaining Cases Below the Guideline Range ⁵	519	1.3

¹This table reflects the 40,877 cases sentenced subsequent to October 1, 2005, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by June 1, 2006. Of this total, there are 1,369 cases excluded for one of two general reasons. Some excluded cases involve certain Class A misdemeanors or other offenses which do not reference a sentencing guideline. Other excluded cases have information missing from the submitted documents that prevents the comparison of the sentence and the guideline range. As missing documents are received, subsequent U.S. Sentencing Commission data releases will incorporate the new information.

²All cases with departures outside of the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal *Guidelines Manual*.

³All cases with a sentence outside of the guideline range which includes both a departure (see footnote 2) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴All cases with a sentence outside of the guideline range with no departure indicated and which cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

⁵All cases sentenced outside of the guideline range that cannot be classified into any of the three previous outside of the range categories. This category includes for example, cases in which no reason is provided for a sentence outside of the guideline range.

⁶Cases with a reason for departure indicating that the prosecution initiates, proposes, or stipulates to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06. Summary numbers may not add up to their component parts due to rounding

MOST FREQUENTLY APPLIED GUIDELINES: COMPARISON OF SENTENCE IMPOSED AND POSITION RELATIVE TO THE GUIDELINE RANGE

Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006

	Four Most Frequently Applied Primary Guidelines									
	All Cases		§2D1.1 Drug Trafficking		§2L1.2 Unlawful Entry		§2K2.1 Firearms		§2B1.1 Theft and Fraud	
	N	%	N	%	N	%	N	%	N	%
TOTAL¹	39,508	100.0	13,912	100.0	6,456	100.0	3,732	100.0	4,129	100.0
WITHIN GUIDELINE RANGE	24,442	61.9	7,501	53.9	3,958	61.3	2,646	70.9	2,880	69.8
DEPARTURE ABOVE GUIDELINE	340	0.9	34	0.2	29	0.4	58	1.6	46	1.1
Upward Departure from the Guideline Range ²	243	0.6	20	0.1	24	0.4	42	1.1	25	0.6
Upward Departure with Booker/18 USC §3553 ³	97	0.2	14	0.1	5	0.1	16	0.4	21	0.5
OTHERWISE ABOVE THE RANGE	308	0.8	37	0.3	38	0.6	56	1.5	68	1.6
Above the Range with Booker/18 USC §3553 ⁴	255	0.6	27	0.2	30	0.5	52	1.4	55	1.3
All Remaining Cases Above the Guideline Range ⁵	53	0.1	10	0.1	8	0.1	4	0.1	13	0.3
GOVERNMENT BELOW GUIDELINE	9,541	24.1	4,668	33.6	1,847	28.6	452	12.1	541	13.1
§5K1.1 Substantial Assistance Departure	5,636	14.3	3,598	25.9	53	0.8	342	9.2	457	11.1
§5K3.1 Early Disposition Program Departure	2,839	7.2	712	5.1	1,612	25.0	21	0.6	7	0.2
Government-Sponsored Departure ⁶	1,066	2.7	358	2.6	182	2.8	89	2.4	77	1.9
DEPARTURE BELOW GUIDELINE	2,049	5.2	702	5.0	293	4.5	231	6.2	253	6.1
Downward Departure from the Guideline Range ²	1,120	2.8	361	2.6	211	3.3	134	3.6	122	3.0
Downward Departure with Booker/18 USC §3553 ³	929	2.4	341	2.5	82	1.3	97	2.6	131	3.2
OTHERWISE BELOW THE RANGE	2,828	7.2	970	7.0	291	4.5	289	7.7	341	8.3
Below the Range with Booker/18 USC §3553 ⁴	2,309	5.8	788	5.7	252	3.9	249	6.7	262	6.3
All Remaining Cases Below the Guideline Range ⁵	519	1.3	182	1.3	39	0.6	40	1.1	79	1.9

¹This table reflects the 40,877 cases sentenced subsequent to October 1, 2005, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by June 1, 2006. Of this total, there are 1,369 cases excluded for one of two general reasons. Some excluded cases involve certain Class A misdemeanors or other offenses which do not reference a sentencing guideline. Other excluded cases have information missing from the submitted documents that prevents the comparison of the sentence and the guideline range. As missing documents are received, subsequent U.S. Sentencing Commission data releases will incorporate the new information.

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³All cases with a sentence outside of the guideline range which includes both a departure (see footnote 2) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

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⁵All cases sentenced outside of the guideline range that cannot be classified into any of the three previous outside of the range categories. This category includes for example, cases in which no reason is provided for a sentence outside of the guideline range.

⁶Cases with a reason for departure indicating that the prosecution initiates, proposes, or stipulates to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06. Summary numbers may not add up to their component parts due to rounding.

OFFENDERS SENTENCED FOR EACH CHAPTER TWO GUIDELINE¹
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	n	%	n	%		n	%	n	%
2A1.1	91	0.2	97	0.2	2D1.7	7	0.0	8	0.0
2A1.2	24	0.1	26	0.1	2D1.8	41	0.1	60	0.1
2A1.3	14	0.0	15	0.0	2D1.9	0	0.0	0	0.0
2A1.4	18	0.0	22	0.1	2D1.10	10	0.0	10	0.0
2A1.5	12	0.0	20	0.0	2D1.11	91	0.2	105	0.3
2A2.1	43	0.1	53	0.1	2D1.12	35	0.1	40	0.1
2A2.2	200	0.5	226	0.5	2D1.13	1	0.0	2	0.0
2A2.3	28	0.1	30	0.1	2D2.1	220	0.6	274	0.7
2A2.4	78	0.2	88	0.2	2D2.2	38	0.1	46	0.1
2A3.1	76	0.2	80	0.2	2D2.3	1	0.0	1	0.0
2A3.2	51	0.1	57	0.1	2D3.1	2	0.0	2	0.0
2A3.3	3	0.0	3	0.0	2D3.2	1	0.0	1	0.0
2A3.4	15	0.0	20	0.0	2D3.3	0	0.0	0	0.0
2A4.1	37	0.1	46	0.1	2D3.4	0	0.0	0	0.0
2A4.2	0	0.0	0	0.0	2D3.5	0	0.0	0	0.0
2A5.1	1	0.0	1	0.0	2E1.1	18	0.0	46	0.1
2A5.2	14	0.0	15	0.0	2E1.2	11	0.0	47	0.1
2A5.3	0	0.0	0	0.0	2E1.3	1	0.0	24	0.1
2A6.1	106	0.3	110	0.3	2E1.4	3	0.0	4	0.0
2A6.2	2	0.0	6	0.0	2E1.5	0	0.0	0	0.0
2B1.1	4,189	11.0	4,600	11.2	2E2.1	11	0.0	12	0.0
2B1.2	0	0.0	0	0.0	2E3.1	55	0.1	66	0.2
2B1.3	3	0.0	3	0.0	2E3.2	0	0.0	0	0.0
2B1.4	13	0.0	13	0.0	2E3.3	0	0.0	0	0.0
2B1.5	8	0.0	9	0.0	2E4.1	17	0.0	21	0.1
2B2.1	42	0.1	49	0.1	2E5.1	4	0.0	4	0.0
2B2.2	0	0.0	0	0.0	2E5.2	0	0.0	0	0.0
2B2.3	3	0.0	4	0.0	2E5.3	3	0.0	7	0.0
2B3.1	980	2.6	1,053	2.6	2E5.4	0	0.0	0	0.0
2B3.2	26	0.1	39	0.1	2E5.5	0	0.0	0	0.0
2B3.3	6	0.0	8	0.0	2E5.6	0	0.0	0	0.0
2B4.1	18	0.0	19	0.0	2F1.1	506	1.3	535	1.3
2B5.1	374	1.0	394	1.0	2F1.2	8	0.0	8	0.0
2B5.2	0	0.0	0	0.0	2G1.1	34	0.1	52	0.1
2B5.3	94	0.2	98	0.2	2G1.2	0	0.0	0	0.0
2B5.4	0	0.0	0	0.0	2G1.3	82	0.2	93	0.2
2B6.1	6	0.0	8	0.0	2G2.1	49	0.1	56	0.1
2C1.1	92	0.2	106	0.3	2G2.2	406	1.1	417	1.0
2C1.2	23	0.1	23	0.1	2G2.3	1	0.0	1	0.0
2C1.3	10	0.0	10	0.0	2G2.4	173	0.5	185	0.4
2C1.4	0	0.0	0	0.0	2G2.5	0	0.0	0	0.0
2C1.5	0	0.0	0	0.0	2G3.1	6	0.0	9	0.0
2C1.6	1	0.0	1	0.0	2G3.2	0	0.0	0	0.0
2C1.7	10	0.0	16	0.0	2H1.1	12	0.0	13	0.0
2C1.8	6	0.0	7	0.0	2H1.2	0	0.0	0	0.0
2D1.1	14,071	36.9	14,767	35.9	2H1.3	0	0.0	0	0.0
2D1.2	190	0.5	200	0.5	2H1.4	0	0.0	0	0.0
2D1.3	0	0.0	0	0.0	2H1.5	0	0.0	0	0.0
2D1.4	0	0.0	0	0.0	2H2.1	20	0.1	22	0.1
2D1.5	11	0.0	12	0.0	2H3.1	8	0.0	9	0.0
2D1.6	25	0.1	92	0.2	2H3.2	3	0.0	3	0.0

(continued)

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	n	%	n	%		n	%	n	%
2H3.3	5	0.0	5	0.0	2M4.1	0	0.0	0	0.0
2H4.1	8	0.0	9	0.0	2M5.1	9	0.0	13	0.0
2H4.2	0	0.0	0	0.0	2M5.2	14	0.0	15	0.0
2J1.1	0	0.0	10	0.0	2M5.3	3	0.0	4	0.0
2J1.2	75	0.2	98	0.2	2M6.1	3	0.0	3	0.0
2J1.3	42	0.1	58	0.1	2M6.2	0	0.0	0	0.0
2J1.4	7	0.0	12	0.0	2N1.1	3	0.0	3	0.0
2J1.5	0	0.0	0	0.0	2N1.2	0	0.0	0	0.0
2J1.6	38	0.1	50	0.1	2N1.3	0	0.0	0	0.0
2J1.7	82	0.2	90	0.2	2N2.1	14	0.0	25	0.1
2J1.8	0	0.0	0	0.0	2N3.1	0	0.0	0	0.0
2J1.9	0	0.0	0	0.0	2P1.1	130	0.3	139	0.3
2K1.1	8	0.0	8	0.0	2P1.2	53	0.1	66	0.2
2K1.2	0	0.0	0	0.0	2P1.3	4	0.0	4	0.0
2K1.3	30	0.1	33	0.1	2P1.4	0	0.0	0	0.0
2K1.4	36	0.1	48	0.1	2Q1.1	0	0.0	0	0.0
2K1.5	6	0.0	7	0.0	2Q1.2	36	0.1	36	0.1
2K1.6	0	0.0	0	0.0	2Q1.3	18	0.0	18	0.0
2K1.7	0	0.0	0	0.0	2Q1.4	0	0.0	0	0.0
2K2.1	3,759	9.9	3,996	9.7	2Q1.5	0	0.0	0	0.0
2K2.2	0	0.0	0	0.0	2Q1.6	0	0.0	0	0.0
2K2.3	0	0.0	0	0.0	2Q2.1	57	0.1	60	0.1
2K2.4	0	0.0	3	0.0	2Q2.2	0	0.0	0	0.0
2K2.5	6	0.0	7	0.0	2R1.1	7	0.0	12	0.0
2K2.6	4	0.0	6	0.0	2S1.1	567	1.5	615	1.5
2K3.1	0	0.0	0	0.0	2S1.2	17	0.0	18	0.0
2L1.1	1,890	5.0	1,930	4.7	2S1.3	145	0.4	158	0.4
2L1.2	6,503	17.1	6,574	16.0	2S1.4	0	0.0	0	0.0
2L1.3	0	0.0	0	0.0	2T1.1	254	0.7	314	0.8
2L2.1	211	0.6	225	0.5	2T1.2	0	0.0	0	0.0
2L2.2	551	1.4	578	1.4	2T1.3	1	0.0	1	0.0
2L2.3	0	0.0	0	0.0	2T1.4	79	0.2	88	0.2
2L2.4	0	0.0	0	0.0	2T1.5	0	0.0	0	0.0
2L2.5	0	0.0	0	0.0	2T1.6	10	0.0	12	0.0
2M1.1	0	0.0	0	0.0	2T1.7	0	0.0	0	0.0
2M2.1	0	0.0	0	0.0	2T1.8	0	0.0	0	0.0
2M2.2	0	0.0	0	0.0	2T1.9	19	0.0	23	0.1
2M2.3	0	0.0	0	0.0	2T2.1	1	0.0	1	0.0
2M2.4	0	0.0	0	0.0	2T2.2	0	0.0	0	0.0
2M3.1	0	0.0	0	0.0	2T3.1	25	0.1	27	0.1
2M3.2	1	0.0	1	0.0	2T3.2	0	0.0	0	0.0
2M3.3	1	0.0	2	0.0	2T4.1	0	0.0	0	0.0
2M3.4	0	0.0	0	0.0	2X1.1	111	0.3	687	1.7
2M3.5	0	0.0	0	0.0	2X2.1	0	0.0	19	0.0
2M3.6	0	0.0	0	0.0	2X3.1	73	0.2	83	0.2
2M3.7	0	0.0	0	0.0	2X4.1	285	0.7	292	0.7
2M3.8	0	0.0	0	0.0	2X5.1	0	0.0	19	0.0
2M3.9	0	0.0	0	0.0					
					Total number of guidelines applied:				
					41,134				
					Number of cases with at least one guideline applied:				
					38,093				

¹Of the 40,877 cases, 2,784 were excluded due to missing guideline applied. The total for any guideline can exceed that for primary guideline because a case can have several guidelines applied, but only one primary guideline.

GUIDELINE OFFENDERS IN EACH CIRCUIT AND DISTRICT¹
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006

CIRCUIT			CIRCUIT		
District	Number	Percent	District	Number	Percent
TOTAL	40,877	100.0			
D.C. CIRCUIT	273	0.7	FIFTH CIRCUIT	8,918	21.8
District of Columbia	273	0.7	Louisiana		
			Eastern	187	0.5
			Middle	97	0.2
			Western	273	0.7
FIRST CIRCUIT	953	2.3	Mississippi		
Maine	131	0.3	Northern	95	0.2
Massachusetts	295	0.7	Southern	177	0.4
New Hampshire	132	0.3	Texas		
Puerto Rico	324	0.8	Eastern	497	1.2
Rhode Island	71	0.2	Northern	666	1.6
			Southern	3,704	9.1
SECOND CIRCUIT	2,458	6.0	Western	3,222	7.9
Connecticut	201	0.5			
New York			SIXTH CIRCUIT	3,062	7.5
Eastern	610	1.5	Kentucky		
Northern	204	0.5	Eastern	340	0.8
Southern	996	2.4	Western	217	0.5
Western	313	0.8	Michigan		
Vermont	134	0.3	Eastern	500	1.2
			Western	267	0.7
THIRD CIRCUIT	1,779	4.4	Ohio		
Delaware	65	0.2	Northern	608	1.5
New Jersey	554	1.4	Southern	363	0.9
Pennsylvania			Tennessee		
Eastern	509	1.2	Eastern	322	0.8
Middle	295	0.7	Middle	134	0.3
Western	276	0.7	Western	311	0.8
Virgin Islands	80	0.2			
			SEVENTH CIRCUIT	1,769	4.3
FOURTH CIRCUIT	3,632	8.9	Illinois		
Maryland	388	0.9	Central	183	0.4
North Carolina			Northern	602	1.5
Eastern	326	0.8	Southern	205	0.5
Middle	187	0.5	Indiana		
Western	443	1.1	Northern	256	0.6
South Carolina	563	1.4	Southern	179	0.4
Virginia			Wisconsin		
Eastern	1,012	2.5	Eastern	209	0.5
Western	328	0.8	Western	135	0.3
West Virginia					
Northern	233	0.6			
Southern	152	0.4			

(continued)

CIRCUIT			CIRCUIT		
District	Number	Percent	District	Number	Percent
EIGHTH CIRCUIT	3,096	7.6	TENTH CIRCUIT	3,466	8.5
Arkansas			Colorado	435	1.1
Eastern	191	0.5	Kansas	399	1.0
Western	125	0.3	New Mexico	1,656	4.1
Iowa			Oklahoma		
Northern	239	0.6	Eastern	46	0.1
Southern	198	0.5	Northern	113	0.3
Minnesota	363	0.9	Western	235	0.6
Missouri			Utah	482	1.2
Eastern	554	1.4	Wyoming	100	0.2
Western	548	1.3			
Nebraska	467	1.1	ELEVENTH CIRCUIT	3,864	9.5
North Dakota	151	0.4	Alabama		
South Dakota	260	0.6	Middle	120	0.3
			Northern	303	0.7
NINTH CIRCUIT	7,607	18.6	Southern	176	0.4
Alaska	84	0.2	Florida		
Arizona	2,539	6.2	Middle	916	2.2
California			Northern	216	0.5
Central	820	2.0	Southern	1,196	2.9
Eastern	550	1.3	Georgia		
Northern	350	0.9	Middle	271	0.7
Southern	1,428	3.5	Northern	422	1.0
Guam	61	0.1	Southern	244	0.6
Hawaii	289	0.7			
Idaho	171	0.4			
Montana	246	0.6			
Nevada	128	0.3			
Northern Mariana Islands	7	0.0			
Oregon	279	0.7			
Washington					
Eastern	185	0.5			
Western	470	1.1			

SOURCE: U.S. Sentencing Commission, FY2006 Datafile (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06. Summary numbers may not add up to their component parts due to rounding.

Guideline Application Trends, National and Circuit

FY 2003, Pre- and Post-Blakely FY 2004, Pre- and Post-Booker FY 2005, and FY 2006¹
(FY2006 data extracted June 1, 2006)

NATIONAL

Position of Sentence Relative to Guideline Range	FY2003	FY2004 (Pre-Blakely)	FY2004 (Post-Blakely)	FY2005 (Pre-Booker)	FY2005 (Post-Booker)	FY2006
Within Range	69.4%	72.2%	71.8%	70.9%	61.6%	61.9%
Upward Departures	0.8%	0.8%	0.6%	0.7%	0.3%	0.9% ²
Otherwise Above Range	—	—	—	—	1.4%	0.8% ³
Substantial Assistance Departures	15.9%	15.5%	14.4%	14.7%	14.7%	14.3%
Other Gov't Sponsored Departures	6.3% ⁴	6.4%	8.6%	9.4%	9.1%	9.9% ⁴
Other Downward Departures	7.5%	5.2%	4.6%	4.3%	3.2%	5.2% ²
Otherwise Below Range	—	—	—	—	9.7%	7.2% ³

DC CIRCUIT

Position of Sentence Relative to Guideline Range	FY2003	FY2004 (Pre-Blakely)	FY2004 (Post-Blakely)	FY2005 (Pre-Booker)	FY2005 (Post-Booker)	FY2006
Within Range	64.6%	59.2%	64.1%	71.6%	52.9%	52.6%
Upward Departures	0.2%	1.0%	0.0%	0.0%	0.0%	1.8% ²
Otherwise Above Range	—	—	—	—	1.9%	1.5% ³
Substantial Assistance Departures	26.4%	31.3%	29.6%	24.8%	27.2%	15.8%
Other Gov't Sponsored Departures	4.4% ⁴	3.9%	3.5%	2.8%	6.1%	14.0% ⁴
Other Downward Departures	4.4%	4.7%	2.8%	0.7%	2.7%	5.9% ²
Otherwise Below Range	—	—	—	—	9.2%	8.5% ³

FIRST CIRCUIT

Position of Sentence Relative to Guideline Range	FY2003	FY2004 (Pre-Blakely)	FY2004 (Post-Blakely)	FY2005 (Pre-Booker)	FY2005 (Post-Booker)	FY2006
Within Range	77.3%	79.6%	77.1%	80.8%	63.3%	69.3%
Upward Departures	0.7%	0.9%	0.7%	0.8%	0.2%	0.4% ²
Otherwise Above Range	—	—	—	—	2.6%	1.0% ³
Substantial Assistance Departures	13.5%	13.8%	16.6%	14.1%	11.5%	13.2%
Other Gov't Sponsored Departures	0.7% ⁴	0.5%	0.0%	0.5%	2.4%	2.6% ⁴
Other Downward Departures	7.8%	5.2%	5.6%	3.8%	4.0%	4.5% ²
Otherwise Below Range	—	—	—	—	16.0%	9.1% ³

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Guideline Application Trends, National and Circuit

FY 2003, Pre- and Post-Blakely FY 2004, Pre- and Post-Booker FY 2005, and FY 2006¹

SECOND CIRCUIT

Position of Sentence Relative to Guideline Range	FY2003	FY2004 (Pre-Blakely)	FY2004 (Post-Blakely)	FY2005 (Pre-Booker)	FY2005 (Post-Booker)	FY2006
Within Range	63.2%	63.8%	62.0%	59.8%	50.6%	50.5%
Upward Departures	0.5%	0.9%	0.3%	0.3%	0.1%	0.7% ²
Otherwise Above Range	—	—	—	—	1.0%	0.3% ³
Substantial Assistance Departures	17.5%	19.2%	23.0%	24.4%	21.4%	21.3%
Other Gov't Sponsored Departures	2.8% ⁴	2.5%	2.7%	2.4%	3.1%	2.0% ⁴
Other Downward Departures	16.0%	13.6%	12.0%	13.1%	6.3%	11.4% ²
Otherwise Below Range	—	—	—	—	17.5%	13.9% ³

THIRD CIRCUIT

Position of Sentence Relative to Guideline Range	FY2003	FY2004 (Pre-Blakely)	FY2004 (Post-Blakely)	FY2005 (Pre-Booker)	FY2005 (Post-Booker)	FY2006
Within Range	62.3%	62.6%	65.2%	67.5%	51.0%	51.8%
Upward Departures	0.9%	0.6%	0.2 %	0.4%	0.3%	0.6% ²
Otherwise Above Range	—	—	—	—	1.1%	1.0% ³
Substantial Assistance Departures	28.8%	30.3%	26.7%	26.9%	27.7%	27.5%
Other Gov't Sponsored Departures	0.6% ⁴	0.8%	0.5%	1.5%	1.8%	2.2% ⁴
Other Downward Departures	7.4%	5..8%	7.4%	3.6%	3.6%	5.6% ²
Otherwise Below Range	—	—	—	—	14.5%	11.2% ³

FOURTH CIRCUIT

Position of Sentence Relative to Guideline Range	FY2003	FY2004 (Pre-Blakely)	FY2004 (Post-Blakely)	FY2005 (Pre-Booker)	FY2005 (Post-Booker)	FY2006
Within Range	77.0%	79.0%	78.8%	77.1%	66.2%	69.5%
Upward Departures	0.6%	1.0%	0.6%	0.7%	0.3%	1.0% ²
Otherwise Above Range	—	—	—	—	1.1%	0.8% ³
Substantial Assistance Departures	18.3%	16.7%	16.8%	18.7%	18.4%	16.0%
Other Gov't Sponsored Departures	0.3% ⁴	0.3%	0.5%	0.6%	1.5%	1.0% ⁴
Other Downward Departures	3.8%	3.0%	3.3%	2.9%	2.5%	4.0% ²
Otherwise Below Range	—	—	—	—	10.0%	7.8% ³

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Guideline Application Trends, National and Circuit

FY 2003, Pre- and Post-Blakely FY 2004, Pre- and Post-Booker FY 2005, and FY 2006¹

FIFTH CIRCUIT

Position of Sentence		FY2004	FY2004	FY2005	FY2005	
Relative to Guideline Range	FY2003	(Pre-Blakely)	(Post-Blakely)	(Pre-Booker)	(Post-Booker)	FY2006
Within Range	73.7%	80.2%	78.4%	77.2%	71.5%	74.1%
Upward Departures	0.9%	0.8%	0.4%	0.9%	0.3%	0.8% ²
Otherwise Above Range	—	—	—	—	1.6%	1.1% ³
Substantial Assistance Departures	12.5%	10.3%	9.6%	8.3%	8.2%	7.6%
Other Gov't Sponsored Departures	5.4%	5.2%	9.1%	11.1%	9.6%	9.1% ⁴
Other Downward Departures	7.5%	3.5%	2.5%	2.5%	2.5%	3.1% ²
Otherwise Below Range	—	—	—	—	6.4%	4.2% ³

SIXTH CIRCUIT

Position of Sentence		FY2004	FY2004	FY2005	FY2005	
Relative to Guideline Range	FY2003	(Pre-Blakely)	(Post-Blakely)	(Pre-Booker)	(Post-Booker)	FY2006
Within Range	69.1%	69.7%	70.9%	69.7%	57.7%	57.4%
Upward Departures	0.4%	0.5%	0.6%	0.5%	0.2%	0.6% ²
Otherwise Above Range	—	—	—	—	1.2%	0.8% ³
Substantial Assistance Departures	24.6%	24.3%	22.6%	24.2%	25.0%	25.0%
Other Gov't Sponsored Departures	0.5%	0.4%	1.5%	0.6%	1.9%	1.6% ⁴
Other Downward Departures	5.3%	5.1%	4.4%	5.0%	3.0%	5.8% ²
Otherwise Below Range	—	—	—	—	11.0%	8.9% ³

SEVENTH CIRCUIT

Position of Sentence		FY2004	FY2004	FY2005	FY2005	
Relative to Guideline Range	FY2003	(Pre-Blakely)	(Post-Blakely)	(Pre-Booker)	(Post-Booker)	FY2006
Within Range	72.5%	75.4%	77.2%	74.8%	62.1%	67.2%
Upward Departures	1.0%	1.3%	1.1%	1.0%	0.3%	0.6% ²
Otherwise Above Range	—	—	—	—	1.2%	0.5% ³
Substantial Assistance Departures	21.2%	19.0%	17.0%	18.8%	17.5%	15.9%
Other Gov't Sponsored Departures	0.8%	0.8%	0.9%	1.3%	2.4%	2.1% ⁴
Other Downward Departures	4.5%	3.6%	3.8%	4.2%	3.8%	6.1% ²
Otherwise Below Range	—	—	—	—	12.7%	7.8% ³

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Guideline Application Trends, National and Circuit

FY 2003, Pre- and Post-Blakely FY 2004, Pre- and Post-Booker FY 2005, and FY 2006¹

EIGHTH CIRCUIT

Position of Sentence		FY2004	FY2004	FY2005	FY2005	
Relative to Guideline Range	FY2003	(Pre-Blakely)	(Post-Blakely)	(Pre-Booker)	(Post-Booker)	FY2006
Within Range	72.2%	77.0%	77.9%	74.3%	64.1%	64.0%
Upward Departures	1.1%	0.9%	0.9%	0.5%	0.2%	1.0% ²
Otherwise Above Range	—	—	—	—	1.7%	0.8% ³
Substantial Assistance Departures	17.6%	15.3%	14.0%	16.2%	14.4%	15.7%
Other Gov't Sponsored Departures	2.0%	2.1%	2.0%	3.7%	4.2%	3.8% ⁴
Other Downward Departures	7.1%	4.7%	5.2%	5.3%	3.4%	4.6% ²
Otherwise Below Range	—	—	—	—	12.1%	10.1% ³

NINTH CIRCUIT

Position of Sentence		FY2004	FY2004	FY2005	FY2005	
Relative to Guideline Range	FY2003	(Pre-Blakely)	(Post-Blakely)	(Pre-Booker)	(Post-Booker)	FY2006
Within Range	59.6%	61.8%	61.0%	58.8%	49.7%	43.8%
Upward Departures	1.1%	0.8%	0.7%	1.0%	0.4%	1.3% ²
Otherwise Above Range	—	—	—	—	1.3%	0.4% ³
Substantial Assistance Departures	10.2%	10.6%	9.5%	10.4%	10.4%	10.8%
Other Gov't Sponsored Departures	19.2%	20.4%	22.9%	24.9%	25.9%	31.1% ⁴
Other Downward Departures	9.9%	6.5%	5.9%	5.0%	3.7%	7.3% ²
Otherwise Below Range	—	—	—	—	8.7%	5.3% ³

TENTH CIRCUIT

Position of Sentence		FY2004	FY2004	FY2005	FY2005	
Relative to Guideline Range	FY2003	(Pre-Blakely)	(Post-Blakely)	(Pre-Booker)	(Post-Booker)	FY2006
Within Range	73.1%	73.9%	70.7%	70.9%	66.2%	62.7%
Upward Departures	0.6%	0.7%	0.6%	0.7%	0.1%	0.5% ²
Otherwise Above Range	—	—	—	—	0.8%	0.9% ³
Substantial Assistance Departures	9.4%	10.3%	10.8%	10.5%	9.5%	9.1%
Other Gov't Sponsored Departures	11.4%	10.7%	14.5%	14.6%	13.9%	15.4% ⁴
Other Downward Departures	5.5%	4.5%	3.3%	3.2%	2.7%	5.6% ²
Otherwise Below Range	—	—	—	—	6.8%	5.9% ³

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Guideline Application Trends, National and Circuit

FY 2003, Pre- and Post-Blakely FY 2004, Pre- and Post-Booker FY 2005, and FY 2006¹

ELEVENTH CIRCUIT

Position of Sentence		FY2004	FY2004	FY2005	FY2005	
Relative to Guideline Range	FY2003	(Pre-Blakely)	(Post-Blakely)	(Pre-Booker)	(Post-Booker)	FY2006
Within Range	74.5%	74.7%	77.0%	77.9%	68.1%	69.1%
Upward Departures	0.8%	0.8%	0.6%	0.7%	0.3%	1.0% ²
Otherwise Above Range	—	—	—	—	1.4%	0.9% ³
Substantial Assistance Departures	19.9%	21.0%	19.0%	17.5%	17.5%	18.3%
Other Gov't Sponsored Departures	0.3%	0.2%	0.2%	0.3%	1.2%	1.0% ⁴
Other Downward Departures	4.5%	3.3%	3.2%	3.5%	3.0%	2.6% ²
Otherwise Below Range	—	—	—	—	8.3%	7.3% ³

¹ For FY2004, this table distinguishes between cases sentenced prior to and subsequent to the *Blakely v. Washington* decision on June 24, 2004. Similarly, for FY2005, this table distinguishes between cases sentenced prior to and subsequent to the *U.S. v. Booker* decision on January 12, 2005. For FY2006, this table reflects cases with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by June 1, 2006.

² Combines two outside-of-the-range categories: 1) cases with departures which do not cite either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors specifically prohibited in the provisions, policy statements, or commentary of the federal *Guidelines Manual*; and, 2) cases which include a departure as well as a sentence outside the guideline system mentioning *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside the guideline system.

³ Combines two outside-of-the-range categories: 1) cases without a departure that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside the guideline system; and 2) outside-of-the-range cases that cannot be classified into any other category. The latter category includes outside-of-the-range cases with no reason provided for a sentence outside the guideline range.

⁴ Cases with a reason for departure indicating that the prosecution initiates, proposes, or stipulates to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant. Note that §5K3.1 (Early Disposition Program) cases are included in this category.

SOURCE: U.S. Sentencing Commission *Sourcebook of Federal Sentencing*, FY2003-FY2005, Table 26; FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06. Percents may not sum to 100 percent due to rounding.

Distribution of Offenders Receiving Sentencing Options for the Most Frequently Applied Guidelines

FY 2003, Pre and Post-Blakely FY 2004, Pre and Post-Booker FY 2005, and FY 2006 (data extracted June 1, 2006)

	FY 2003		Pre-Blakely FY 2004		Post-Blakely FY 2004		Pre-Booker FY 2005		Post-Booker FY 2005		FY 2006	
	N	%	N	%	N	%	N	%	N	%	N	%
Drug Trafficking §2D1.1¹	23,833	100.0	16,955	100.0	5,648	100.0	5,695	100.0	17,524	100.0	13,772	100.0
Prison only ²	22,455	94.2	16,081	94.9	5,359	94.9	5,377	94.4	16,511	94.2	13,121	95.3
Prison plus confinement conditions ³	402	1.7	337	2.0	100	1.8	116	2.0	408	2.3	253	1.8
Probation plus confinement conditions ⁴	469	2.0	227	1.3	90	1.6	90	1.6	266	1.5	174	1.3
Probation only ⁵	507	2.1	310	1.8	99	1.8	112	2.0	339	1.9	224	1.6
Immigration Unlawful Entry §2L1.2¹	9,167	100.0	7,058	100.0	2,564	100.0	2,745	100.0	7,694	100.0	6,465	100.0
Prison only ²	9,132	99.6	7,032	99.6	2,559	99.8	2,735	99.6	7,631	99.2	6,437	99.6
Prison plus confinement conditions ³	11	0.1	10	0.1	3	0.1	5	0.2	16	0.2	8	0.1
Probation plus confinement conditions ⁴	2	0.0	0	0.0	0	0.0	1	0.0	1	0.0	1	0.0
Probation only ⁵	22	0.2	16	0.2	2	0.1	4	0.2	46	0.6	19	0.3
Firearms §2K2.1¹	5,425	100.0	4,782	100.0	1,608	100.0	1,727	100.0	4,970	100.0	3,624	100.0
Prison only ²	4,779	88.1	4,292	89.8	1,454	90.4	1,565	90.6	4,435	89.2	3,285	90.6
Prison plus confinement conditions ³	174	3.2	128	2.7	44	2.7	47	2.7	159	3.2	101	2.8
Probation plus confinement conditions ⁴	224	4.1	160	3.4	44	2.7	52	3.0	190	3.8	121	3.3
Probation only ⁵	248	4.6	202	4.2	66	4.1	63	3.7	186	3.7	117	3.2
Theft/Fraud §2B1.1 or §2F1.1¹	9,606	100.0	6,909	100.0	2,100	100.0	2,130	100.0	6,191	100.0	4,549	100.0
Prison only ²	4,803	50.0	3,574	51.7	1,026	48.9	1,067	50.1	3,263	52.7	2,471	54.3
Prison plus confinement conditions ³	840	8.7	629	9.1	168	8.0	189	8.9	561	9.1	413	9.1
Probation plus confinement conditions ⁴	1,463	15.2	997	14.4	312	14.9	291	13.7	811	13.1	621	13.7
Probation only ⁵	2,500	26.0	1,709	24.7	594	28.3	583	27.4	1,556	25.1	1,044	23.0

¹Sections report only cases with one single guideline application using the indicated guideline. Cases receiving only monetary sentences are excluded.

²Prison only cases receive straight prison time.

³Prison plus confinement cases receive a combination of prison time and alternative confinement time as defined in USSG §5C1.1.

⁴Probation plus confinement cases receive, as a condition of probation, alternative confinement time as defined in USSG §5C1.1.

⁵Probation only cases receive straight probation time.

SOURCE: U.S. Sentencing Commission, 2003-2005 Fiscal Year Datafiles, USSCFY03, USSCFY04, USSCFY05, FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06. Numbers may not sum to 100 percent due to rounding.

Average and Median Sentence Imposed¹ for the Most Frequently Applied Guidelines

FY 2003 and Pre-Blakely FY 2004

	FY 2003				Pre-Blakely FY 2004			
	Average Months	Median Months	GL Median ²	N	Average Months	Median Months	GL Median ²	N
All Cases (one guideline computation)³	52	30		60,786	56	33		44,895
Drug Trafficking §2D1.1⁴	77	57	63	23,833	83	60	70	16,955
Prison only ⁵	79	60	70	22,455	86	60	70	16,081
Prison plus confinement conditions ⁶	20	10	15	402	22	10	12	337
Probation plus confinement conditions ⁷	6	6	12	469	6	6	12	227
Probation only ⁸	0	0	—	507	0	0	—	310
Immigration Unlawful Entry §2L1.2⁴	28	24	27	9,167	29	24	24	7,058
Prison only ⁵	28	24	27	9,132	29	24	24	7,032
Prison plus confinement conditions ⁶	22	10	10	11	40	34	29	10
Probation plus confinement conditions ⁷	—	—	—	2	—	—	—	0
Probation only ⁸	0	0	—	22	0	0	—	16
Firearms §2K2.1⁴	56	37	37	5,425	59	40	41	4,782
Prison only ⁵	59	41	41	4,779	63	42	46	4,292
Prison plus confinement conditions ⁶	21	10	12	174	21	10	10	128
Probation plus confinement conditions ⁷	6	6	12	224	6	6	10	160
Probation only ⁸	0	0	—	248	0	0	—	202
Theft/Fraud §2B1.1 or §2F1.1⁴	16	12	12	9,606	19	12	12	6,909
Prison only ⁵	21	16	18	4,803	25	18	18	3,574
Prison plus confinement conditions ⁶	9	10	10	840	9	10	10	629
Probation plus confinement conditions ⁷	6	6	6	1,463	6	6	6	997
Probation only ⁸	0	0	—	2,500	0	0	—	1,709

¹Sentence data report the sum of imprisonment and any type of confinement as defined in USSG §5C1.1.

²For the guideline range of the sentencing table applied to the case, the lower value of the sentencing range.

³All statistics in the table report data for cases with one single guideline computation for the specified fiscal year. The “All Cases” row reports all cases regardless of the one guideline applied. Cases receiving only monetary sentences are excluded.

⁴Each guideline-specific section reports only cases with one single guideline application using the indicated guideline.

⁵Prison only sentence categories report straight prison time.

⁶Prison plus confinement sentence categories report the sum of prison time and alternative confinement time as defined in USSG §5C1.1.

⁷Probation plus confinement categories report statistics for cases receiving, as a condition of probation, alternative confinement time as defined in USSG §5C1.1.

⁸Probation only categories report cases receiving straight probation time. By definition, the confinement time is zero months for these cases.

Average and Median Sentence Imposed¹ for the Most Frequently Applied Guidelines Post-Blakely FY 2004 and Pre-Booker FY 2005

	Post-Blakely FY 2004				Pre-Booker FY 2005			
	Average Months	Median Months	GL Median ²	N	Average Months	Median Months	GL Median ²	N
All Cases (one guideline computation)³	51	30		15,262	51	30		15,948
Drug Trafficking §2D1.1⁴	75	60	70	5,648	78	57	63	5,695
Prison only ⁵	77	60	70	5,359	80	60	70	5,377
Prison plus confinement conditions ⁶	18	10	10	100	22	10	10	116
Probation plus confinement conditions ⁷	7	6	12	90	6	6	10	90
Probation only ⁸	0	0	—	99	0	0	—	112
Immigration Unlawful Entry §2L1.2⁴	28	24	24	2,564	27	24	24	2,745
Prison only ⁵	28	24	24	2,559	27	24	24	2,735
Prison plus confinement conditions ⁶	—	—	—	3	—	—	—	5
Probation plus confinement conditions ⁷	—	—	—	0	—	—	—	1
Probation only ⁸	—	—	—	2	—	—	—	4
Firearms §2K2.1⁴	57	37	37	1,608	57	38	37	1,727
Prison only ⁵	60	41	41	1,454	60	41	41	1,565
Prison plus confinement conditions ⁶	20	10	10	44	21	10	12	47
Probation plus confinement conditions ⁷	6	6	12	44	7	6	12	52
Probation only ⁸	0	0	—	66	0	0	—	63
Theft/Fraud §2B1.1 or §2F1.1⁴	16	10	12	2,100	18	12	12	2,130
Prison only ⁵	21	15	15	1,026	23	17	18	1,067
Prison plus confinement conditions ⁶	9	8	8	168	9	8	10	189
Probation plus confinement conditions ⁷	6	6	6	312	6	6	6	291
Probation only ⁸	0	0	—	594	0	0	—	583

¹Sentence data report the sum of imprisonment and any type of confinement as defined in USSG §5C1.1.

²For the guideline range of the sentencing table applied to the case, the lower value of the sentencing range.

³All statistics in the table report data for cases with one single guideline computation for the specified fiscal year. The “All Cases” row reports all cases regardless of the one guideline applied. Cases receiving only monetary sentences are excluded.

⁴Each guideline-specific section reports only cases with one single guideline application using the indicated guideline.

⁵Prison only sentence categories report straight prison time.

⁶Prison plus confinement sentence categories report the sum of prison time and alternative confinement time as defined in USSG §5C1.1.

⁷Probation plus confinement categories report statistics for cases receiving, as a condition of probation, alternative confinement time as defined in USSG §5C1.1.

⁸Probation only categories report cases receiving straight probation time. By definition, the confinement time is zero months for these cases.

SOURCE: U.S. Sentencing Commission, 2004 Fiscal Year Datafile, USSCFY04 Post-Blakely Only Cases (June 25, 2004 - September 30, 2004); USSCFY05 Pre-Booker Only Cases (October 1, 2004 - January 11, 2005).

Average and Median Sentence Imposed¹ for the Most Frequently Applied Guidelines

Post-Booker FY 2005 and FY 2006 (data extracted June 1, 2006)

	Post-Booker FY 2005				FY 2006			
	Average Months	Median Months	GL Median ²	N	Average Months	Median Months	GL Median ²	N
All Cases (one guideline computation)³	55	33		47,028	55	34		36,651
Drug Trafficking §2D1.1⁴	83	60	70	17,524	82	60	70	13,772
Prison only ⁵	86	63	78	16,511	85	60	70	13,121
Prison plus confinement conditions ⁶	20	10	21	408	16	10	21	253
Probation plus confinement conditions ⁷	6	6	15	266	7	6	12	174
Probation only ⁸	0	0	—	339	0	0	—	224
Immigration Unlawful Entry §2L1.2⁴	28	24	27	7,694	27	24	24	6,465
Prison only ⁵	28	24	27	7,631	27	24	24	6,437
Prison plus confinement conditions ⁶	19	10	15	16	12	10	15	8
Probation plus confinement conditions ⁷	—	—	—	1	—	—	—	1
Probation only ⁸	0	0	—	46	0	0	—	19
Firearms §2K2.1⁴	58	37	37	4,970	58	39	37	3,624
Prison only ⁵	61	41	41	4,435	61	42	46	3,285
Prison plus confinement conditions ⁶	27	10	12	159	15	10	12	101
Probation plus confinement conditions ⁷	6	6	12	190	7	6	12	121
Probation only ⁸	0	0	—	186	0	0	—	117
Theft/Fraud §2B1.1 or §2F1.1⁴	20	12	15	6,191	21	12	15	4,549
Prison only ⁵	26	18	21	3,263	26	18	21	2,471
Prison plus confinement conditions ⁶	10	10	10	561	9	10	10	413
Probation plus confinement conditions ⁷	6	6	6	811	6	6	6	621
Probation only ⁸	0	0	—	1,556	0	0	—	1,044

¹Sentence data report the sum of imprisonment and any type of confinement as defined in USSG §5C1.1.

²For the guideline range of the sentencing table applied to the case, the lower value of the sentencing range.

³All statistics in the table report data for cases with one single guideline computation for the specified fiscal year. The “All Cases” row reports all cases regardless of the one guideline applied. Cases receiving only monetary sentences are excluded.

⁴Each guideline-specific section reports only cases with one single guideline application using the indicated guideline.

⁵Prison only sentence categories report straight prison time.

⁶Prison plus confinement sentence categories report the sum of prison time and alternative confinement time as defined in USSG §5C1.1.

⁷Probation plus confinement categories report statistics for cases receiving, as a condition of probation, alternative confinement time as defined in USSG §5C1.1.

⁸Probation only categories report cases receiving straight probation time. By definition, the confinement time is zero months for these cases.

SOURCE: U.S. Sentencing Commission, USSCFY05 Post-Booker Only Cases (January 12, 2005 - September 30, 2006), FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06.

SENTENCES RELATIVE TO THE GUIDELINE RANGE FOR CIRCUIT AND DISTRICT¹
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW THE GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE		OTHERWISE BELOW THE GUIDELINE RANGE		DEPARTURES ABOVE THE GUIDELINE RANGE		OTHERWISE ABOVE THE GUIDELINE RANGE	
			%		%		%		%		%		%
TOTAL	39,508	24,442	61.9	9,541	24.1	2,049	5.2	2,828	7.2	340	0.9	308	0.8
D.C. CIRCUIT	272	143	52.6	81	29.8	16	5.9	23	8.5	5	1.8	4	1.5
District of Columbia	272	143	52.6	81	29.8	16	5.9	23	8.5	5	1.8	4	1.5
FIRST CIRCUIT	939	651	69.3	148	15.8	42	4.5	85	9.1	4	0.4	9	1.0
Maine	129	94	72.9	26	20.2	4	3.1	4	3.1	0	0.0	1	0.8
Massachusetts	289	174	60.2	48	16.6	27	9.3	40	13.8	0	0.0	0	0.0
New Hampshire	132	73	55.3	46	34.8	3	2.3	6	4.5	2	1.5	2	1.5
Puerto Rico	322	267	82.9	24	7.5	7	2.2	17	5.3	2	0.6	5	1.6
Rhode Island	67	43	64.2	4	6.0	1	1.5	18	26.9	0	0.0	1	1.5
SECOND CIRCUIT	2,436	1,230	50.5	566	23.2	278	11.4	338	13.9	17	0.7	7	0.3
Connecticut	201	99	49.3	41	20.4	41	20.4	17	8.5	3	1.5	0	0.0
New York													
Eastern	609	250	41.1	158	25.9	102	16.7	91	14.9	4	0.7	4	0.7
Northern	201	99	49.3	73	36.3	15	7.5	13	6.5	1	0.5	0	0.0
Southern	979	567	57.9	135	13.8	89	9.1	186	19.0	1	0.1	1	0.1
Western	312	161	51.6	109	34.9	6	1.9	29	9.3	5	1.6	2	0.6
Vermont	134	54	40.3	50	37.3	25	18.7	2	1.5	3	2.2	0	0.0
THIRD CIRCUIT	1,739	901	51.8	518	29.8	98	5.6	195	11.2	10	0.6	17	1.0
Delaware	63	39	61.9	7	11.1	6	9.5	11	17.5	0	0.0	0	0.0
New Jersey	541	271	50.1	191	35.3	21	3.9	55	10.2	0	0.0	3	0.6
Pennsylvania													
Eastern	488	192	39.3	176	36.1	34	7.0	78	16.0	3	0.6	5	1.0
Middle	294	143	48.6	107	36.4	13	4.4	23	7.8	5	1.7	3	1.0
Western	273	189	69.2	32	11.7	20	7.3	25	9.2	1	0.4	6	2.2
Virgin Islands	80	67	83.8	5	6.3	4	5.0	3	3.8	1	1.3	0	0.0
FOURTH CIRCUIT	3,451	2,397	69.5	588	17.0	137	4.0	268	7.8	33	1.0	28	0.8
Maryland	371	202	54.4	99	26.7	27	7.3	35	9.4	5	1.3	3	0.8
North Carolina													
Eastern	322	181	56.2	110	34.2	15	4.7	14	4.3	2	0.6	0	0.0
Middle	187	131	70.1	27	14.4	15	8.0	13	7.0	1	0.5	0	0.0
Western	442	279	63.1	116	26.2	5	1.1	39	8.8	0	0.0	3	0.7
South Carolina	562	404	71.9	78	13.9	26	4.6	46	8.2	2	0.4	6	1.1
Virginia													
Eastern	859	664	77.3	56	6.5	35	4.1	76	8.8	17	2.0	11	1.3
Western	324	215	66.4	73	22.5	8	2.5	22	6.8	5	1.5	1	0.3
West Virginia													
Northern	233	195	83.7	17	7.3	5	2.1	15	6.4	0	0.0	1	0.4
Southern	151	126	83.4	12	7.9	1	0.7	8	5.3	1	0.7	3	2.0

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		GOVERNMENT SPONSORED BELOW THE GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE		OTHERWISE BELOW THE GUIDELINE RANGE		DEPARTURES ABOVE THE GUIDELINE RANGE		OTHERWISE ABOVE THE GUIDELINE RANGE	
		%		%		%		%		%		%	
FIFTH CIRCUIT	8,866	6,569	74.1	1,484	16.7	272	3.1	374	4.2	71	0.8	96	1.1
Louisiana													
Eastern	187	147	78.6	19	10.2	7	3.7	10	5.3	2	1.1	2	1.1
Middle	97	75	77.3	14	14.4	2	2.1	2	2.1	2	2.1	2	2.1
Western	268	198	73.9	22	8.2	13	4.9	9	3.4	9	3.4	17	6.3
Mississippi													
Northern	95	55	57.9	28	29.5	4	4.2	2	2.1	4	4.2	2	2.1
Southern	172	145	84.3	15	8.7	1	0.6	8	4.7	0	0.0	3	1.7
Texas													
Eastern	497	408	82.1	39	7.8	29	5.8	12	2.4	3	0.6	6	1.2
Northern	664	514	77.4	78	11.7	13	2.0	29	4.4	10	1.5	20	3.0
Southern	3,698	2,479	67.0	899	24.3	140	3.8	141	3.8	19	0.5	20	0.5
Western	3,188	2,548	79.9	370	11.6	63	2.0	161	5.1	22	0.7	24	0.8
SIXTH CIRCUIT	3,005	1,725	57.4	798	26.6	174	5.8	266	8.9	19	0.6	23	0.8
Kentucky													
Eastern	335	150	44.8	152	45.4	8	2.4	18	5.4	2	0.6	5	1.5
Western	187	137	73.3	31	16.6	5	2.7	14	7.5	0	0.0	0	0.0
Michigan													
Eastern	500	252	50.4	159	31.8	43	8.6	41	8.2	2	0.4	3	0.6
Western	267	163	61.0	45	16.9	20	7.5	28	10.5	6	2.2	5	1.9
Ohio													
Northern	606	358	59.1	145	23.9	46	7.6	50	8.3	1	0.2	6	1.0
Southern	356	183	51.4	103	28.9	31	8.7	33	9.3	5	1.4	1	0.3
Tennessee													
Eastern	319	216	67.7	78	24.5	3	0.9	19	6.0	2	0.6	1	0.3
Middle	125	71	56.8	25	20.0	5	4.0	23	18.4	1	0.8	0	0.0
Western	310	195	62.9	60	19.4	13	4.2	40	12.9	0	0.0	2	0.6
SEVENTH CIRCUIT	1,760	1,182	67.2	316	18.0	107	6.1	137	7.8	10	0.6	8	0.5
Illinois													
Central	182	125	68.7	35	19.2	9	4.9	12	6.6	1	0.5	0	0.0
Northern	600	334	55.7	142	23.7	65	10.8	55	9.2	3	0.5	1	0.2
Southern	205	171	83.4	12	5.9	10	4.9	10	4.9	2	1.0	0	0.0
Indiana													
Northern	251	185	73.7	53	21.1	3	1.2	7	2.8	2	0.8	1	0.4
Southern	179	122	68.2	29	16.2	8	4.5	17	9.5	1	0.6	2	1.1
Wisconsin													
Eastern	209	120	57.4	44	21.1	10	4.8	31	14.8	0	0.0	4	1.9
Western	134	125	93.3	1	0.7	2	1.5	5	3.7	1	0.7	0	0.0
EIGHTH CIRCUIT	3,082	1,971	64.0	602	19.5	141	4.6	311	10.1	32	1.0	25	0.8
Arkansas													
Eastern	191	125	65.4	32	16.8	7	3.7	23	12.0	2	1.0	2	1.0
Western	123	78	63.4	39	31.7	1	0.8	4	3.3	0	0.0	1	0.8
Iowa													
Northern	238	163	68.5	36	15.1	1	0.4	22	9.2	9	3.8	7	2.9
Southern	198	92	46.5	52	26.3	5	2.5	44	22.2	0	0.0	5	2.5
Minnesota	362	188	51.9	72	19.9	45	12.4	56	15.5	1	0.3	0	0.0
Missouri													
Eastern	553	367	66.4	104	18.8	20	3.6	58	10.5	2	0.4	2	0.4
Western	542	353	65.1	111	20.5	17	3.1	54	10.0	2	0.4	5	0.9
Nebraska	467	325	69.6	90	19.3	27	5.8	21	4.5	2	0.4	2	0.4
North Dakota	148	95	64.2	39	26.4	6	4.1	6	4.1	2	1.4	0	0.0
South Dakota	260	185	71.2	27	10.4	12	4.6	23	8.8	12	4.6	1	0.4

CIRCUIT District	TOTAL	GOVERNMENT											
		SENTENCED WITHIN GUIDELINE RANGE		SPONSORED BELOW THE GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE		OTHERWISE BELOW THE GUIDELINE RANGE		DEPARTURES ABOVE THE GUIDELINE RANGE		OTHERWISE ABOVE THE GUIDELINE RANGE	
		%		%		%		%		%		%	
NINTH CIRCUIT	6,947	3,044	43.8	2,914	41.9	504	7.3	369	5.3	88	1.3	28	0.4
Alaska	70	43	61.4	16	22.9	3	4.3	7	10.0	0	0.0	1	1.4
Arizona	2,326	666	28.6	1,454	62.5	114	4.9	40	1.7	48	2.1	4	0.2
California													
Central	556	357	64.2	79	14.2	40	7.2	76	13.7	1	0.2	3	0.5
Eastern	547	296	54.1	191	34.9	28	5.1	26	4.8	4	0.7	2	0.4
Northern	342	189	55.3	78	22.8	39	11.4	28	8.2	3	0.9	5	1.5
Southern	1,318	548	41.6	623	47.3	69	5.2	71	5.4	5	0.4	2	0.2
Guam	60	35	58.3	19	31.7	1	1.7	5	8.3	0	0.0	0	0.0
Hawaii	288	149	51.7	97	33.7	17	5.9	22	7.6	1	0.3	2	0.7
Idaho	169	70	41.4	80	47.3	5	3.0	11	6.5	2	1.2	1	0.6
Montana	245	189	77.1	30	12.2	1	0.4	12	4.9	9	3.7	4	1.6
Nevada	123	87	70.7	17	13.8	4	3.3	12	9.8	2	1.6	1	0.8
Northern Mariana Islands	7	4	57.1	3	42.9	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	267	141	52.8	57	21.3	42	15.7	23	8.6	2	0.7	2	0.7
Washington													
Eastern	183	101	55.2	39	21.3	11	6.0	27	14.8	4	2.2	1	0.5
Western	446	169	37.9	131	29.4	130	29.1	9	2.0	7	1.6	0	0.0
TENTH CIRCUIT	3,342	2,095	62.7	819	24.5	186	5.6	196	5.9	15	0.4	31	0.9
Colorado	430	245	57.0	133	30.9	37	8.6	13	3.0	0	0.0	2	0.5
Kansas	396	243	61.4	77	19.4	8	2.0	45	11.4	7	1.8	16	4.0
New Mexico	1,645	953	57.9	532	32.3	72	4.4	79	4.8	4	0.2	5	0.3
Oklahoma													
Eastern	46	37	80.4	7	15.2	2	4.3	0	0.0	0	0.0	0	0.0
Northern	113	96	85.0	11	9.7	1	0.9	5	4.4	0	0.0	0	0.0
Western	143	99	69.2	7	4.9	2	1.4	28	19.6	1	0.7	6	4.2
Utah	470	345	73.4	42	8.9	59	12.6	19	4.0	3	0.6	2	0.4
Wyoming	99	77	77.8	10	10.1	5	5.1	7	7.1	0	0.0	0	0.0
ELEVENTH CIRCUIT	3,669	2,534	69.1	707	19.3	94	2.6	266	7.2	36	1.0	32	0.9
Alabama													
Middle	120	76	63.3	39	32.5	0	0.0	3	2.5	2	1.7	0	0.0
Northern	293	168	57.3	94	32.1	5	1.7	23	7.8	1	0.3	2	0.7
Southern	176	110	62.5	40	22.7	9	5.1	15	8.5	1	0.6	1	0.6
Florida													
Middle	915	606	66.2	215	23.5	22	2.4	62	6.8	3	0.3	7	0.8
Northern	211	149	70.6	50	23.7	0	0.0	10	4.7	1	0.5	1	0.5
Southern	1,136	869	76.5	143	12.6	22	1.9	89	7.8	6	0.5	7	0.6
Georgia													
Middle	218	156	71.6	38	17.4	2	0.9	18	8.3	2	0.9	2	0.9
Northern	418	271	64.8	74	17.7	26	6.2	35	8.4	9	2.2	3	0.7
Southern	182	129	70.9	14	7.7	8	4.4	11	6.0	11	6.0	9	4.9

¹Of the 40,877 cases, 123 cases with no analogous guidelines were excluded from the table. Of the remaining 40,754 cases, 1,246 were excluded due to missing departure or variance information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06.
Summary numbers may not add up to their component parts due to rounding.

**SUBSTANTIAL ASSISTANCE CASES: DEGREE OF DEPARTURE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006

PRIMARY OFFENSE	n	Median Sentence in Months	DEGREE OF DECREASE FOR SUBSTANTIAL ASSISTANCE	
			Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,302	36.0	30.0	48.6
Murder	4	51.0	107.0	65.4
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	4	32.5	36.5	47.8
Assault	3	32.7	37.0	55.6
Robbery	85	48.0	27.0	34.6
Arson	9	38.0	36.0	48.1
Drugs - Trafficking	3,452	49.0	39.0	45.5
Drugs - Communication Facility	42	10.0	18.0	67.7
Drugs - Simple Possession	1	--	--	--
Firearms	478	37.0	26.0	49.7
Burglary/B&E	0	--	--	--
Auto Theft	8	60.0	16.5	26.3
Larceny	55	4.4	10.0	66.7
Fraud	529	4.0	12.0	80.0
Embezzlement	9	0.0	10.0	100.0
Forgery/Counterfeiting	50	0.0	8.0	100.0
Bribery	28	0.0	12.0	99.8
Tax	43	0.0	10.0	100.0
Money Laundering	116	13.5	23.9	62.8
Racketeering/Extortion	55	40.0	27.0	35.2
Gambling/Lottery	8	0.0	10.0	100.0
Civil Rights	2	--	--	--
Immigration	170	12.0	9.0	41.0
Pornography/Prostitution	29	50.0	38.0	39.2
Prison Offenses	6	23.5	17.5	34.1
Administration of Justice Offenses	67	0.0	12.0	100.0
Environmental/Wildlife	4	0.0	17.5	100.0
National Defense	3	6.0	30.0	87.0
Antitrust	6	5.0	10.0	66.7
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	33	5.0	12.0	68.8

¹Of the 40,877 cases, 5,636 received a \$5K1.1 substantial assistance departure. Of these, 5,376 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 49 cases were also excluded from this table. Furthermore, eight cases were excluded due to several logical criteria. Of the remaining 5,319 cases, 17 were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (17). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06. Summary numbers may not add up to their component parts due to rounding.

**GOVERNMENT SPONSORED DOWNWARD DEPARTURE CASES: DEGREE OF
DEPARTURE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006**

PRIMARY OFFENSE	n	Median Sentence in Months	DEGREE OF DECREASE FOR GOVERNMENT SPONSORED DOWNWARD DEPARTURE	
			Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,725	21.0	8.0	28.1
Murder	3	57.0	40.0	41.0
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	3	60.0	60.0	23.8
Sexual Abuse	11	84.0	15.0	28.6
Assault	25	12.0	12.0	60.3
Robbery	16	54.0	22.0	31.4
Arson	1	--	--	--
Drugs - Trafficking	1,019	18.0	11.0	36.2
Drugs - Communication Facility	5	41.0	12.0	15.6
Drugs - Simple Possession	3	6.0	4.0	40.0
Firearms	121	30.0	12.0	28.3
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	18	0.0	9.8	100.0
Fraud	75	5.0	10.0	66.7
Embezzlement	5	14.0	10.0	46.7
Forgery/Counterfeiting	16	4.2	9.5	66.7
Bribery	2	--	--	--
Tax	11	0.0	8.0	100.0
Money Laundering	21	10.0	6.0	44.4
Racketeering/Extortion	16	54.5	24.0	38.6
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2,264	21.0	6.0	25.0
Pornography/Prostitution	29	60.0	17.0	20.5
Prison Offenses	7	9.5	6.0	49.9
Administration of Justice Offenses	32	5.9	13.5	65.8
Environmental/Wildlife	2	--	--	--
National Defense	3	12.0	10.0	54.4
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	14	0.0	12.0	100.0

¹Of the 40,877 cases, 3,905 received an other government sponsored downward departure. Of these, 3,738 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Furthermore, six cases were excluded due to several logical criteria. Of the remaining 3,730 cases, five were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (5). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Special Post-Booker Coding Project, BOOKER05 (data extracted June 1, 2006; table prepared July 5, 2006). Summary numbers may not add up to their component parts due to rounding.

**OTHER DOWNWARD DEPARTURE CASES: DEGREE OF DEPARTURE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006**

PRIMARY OFFENSE	n	Median Sentence in Months	DEGREE OF DECREASE FOR OTHER DOWNWARD DEPARTURE	
			Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,897	24.0	12.0	34.8
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	10	50.5	10.5	16.8
Assault	26	11.5	9.5	61.4
Robbery	58	46.5	13.5	21.7
Arson	0	--	--	--
Drugs - Trafficking	647	52.0	18.0	28.6
Drugs - Communication Facility	9	12.0	20.0	41.7
Drugs - Simple Possession	0	--	--	--
Firearms	246	26.0	12.0	33.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	41	0.0	8.0	100.0
Fraud	224	5.0	10.0	70.7
Embezzlement	18	0.0	10.0	99.7
Forgery/Counterfeiting	32	3.3	8.0	80.0
Bribery	3	24.0	7.0	18.9
Tax	41	0.0	10.0	100.0
Money Laundering	36	24.0	12.5	46.4
Racketeering/Extortion	14	19.5	14.5	35.2
Gambling/Lottery	0	--	--	--
Civil Rights	3	0.0	6.0	100.0
Immigration	346	24.0	9.0	25.0
Pornography/Prostitution	57	27.0	21.0	41.5
Prison Offenses	6	18.0	3.5	19.8
Administration of Justice Offenses	41	0.0	10.0	99.7
Environmental/Wildlife	5	0.0	6.0	100.0
National Defense	4	33.5	21.5	49.0
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	28	0.0	10.0	100.0

¹Of the 40,877 cases, 2,049 received a below the guideline range departure. Of these, 1,910 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Furthermore, five cases were excluded due to several logical criteria. Of the remaining 1,903 cases, six were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (6). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHERWISE BELOW GUIDELINE RANGE CASES: DEGREE OF VARIANCE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006**

		DEGREE OF DECREASE FOR OTHERWISE BELOW GUIDELINE RANGE		
PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,546	24.0	12.0	34.8
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	5	324.0	84.0	20.6
Sexual Abuse	9	29.0	10.0	23.4
Assault	35	6.9	9.0	54.5
Robbery	47	50.0	12.0	20.0
Arson	0	--	--	--
Drugs - Trafficking	888	63.0	20.0	25.5
Drugs - Communication Facility	10	24.0	21.0	38.6
Drugs - Simple Possession	9	3.0	6.2	67.5
Firearms	341	30.0	11.0	28.6
Burglary/B&E	2	--	--	--
Auto Theft	0	--	--	--
Larceny	46	0.0	8.0	100.0
Fraud	324	3.0	8.5	83.6
Embezzlement	28	1.5	8.0	87.1
Forgery/Counterfeiting	66	0.4	9.0	96.3
Bribery	12	2.7	7.5	73.9
Tax	48	0.0	9.5	100.0
Money Laundering	55	23.0	10.0	42.9
Racketeering/Extortion	22	45.0	13.5	26.8
Gambling/Lottery	4	2.0	6.0	75.0
Civil Rights	2	--	--	--
Immigration	384	20.0	9.7	33.2
Pornography/Prostitution	93	39.0	24.0	36.2
Prison Offenses	13	8.0	6.0	33.3
Administration of Justice Offenses	36	9.5	10.0	52.7
Environmental/Wildlife	8	0.0	6.0	100.0
National Defense	3	39.0	24.0	33.3
Antitrust	1	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	52	0.0	9.0	100.0

¹Of the 40,877 cases, 2,828 were otherwise sentenced below the guideline range. Of these, 2,585 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 27 cases were also excluded from this table. Furthermore, seven cases were excluded due to several logical criteria. Of the remaining 2,551 cases, 5 were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (5). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURE CASES: DEGREE OF DEPARTURE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006**

PRIMARY OFFENSE	n	Median Sentence in Months	DEGREE OF INCREASE FOR UPWARD DEPARTURE	
			Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	314	60.0	12.5	34.9
Murder	2	--	--	--
Manslaughter	4	81.0	18.0	38.0
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	133.5	31.0	43.3
Assault	14	83.5	16.5	29.4
Robbery	11	171.0	33.0	23.1
Arson	2	--	--	--
Drugs - Trafficking	27	72.0	18.0	42.9
Drugs - Communication Facility	3	48.0	27.0	29.7
Drugs - Simple Possession	4	15.0	9.0	150.0
Firearms	66	75.0	16.0	33.3
Burglary/B&E	2	--	--	--
Auto Theft	1	--	--	--
Larceny	4	35.5	12.0	69.0
Fraud	38	41.0	12.0	50.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	7	41.0	12.0	53.8
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	9	120.0	57.0	90.5
Racketeering/Extortion	3	78.0	21.0	30.6
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	72	18.0	6.0	27.4
Pornography/Prostitution	17	107.0	24.0	25.0
Prison Offenses	1	--	--	--
Administration of Justice Offenses	15	36.0	8.0	100.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	57.0	11.0	20.0

¹Of the 40,877 cases, 340 received an above the guideline range departure. Of these, 319 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional one case was also excluded from this table. Furthermore, zero cases were excluded due to several logical criteria. Of the remaining 318 cases, four were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (4). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06.
Summary numbers may not add up to their component parts due to rounding.

**OTHERWISE ABOVE GUIDELINE RANGE CASES: DEGREE OF VARIANCE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Cases Sentenced in FY 2006 with Data Available to USSC on June 1, 2006**

		DEGREE OF INCREASE FOR OTHERWISE ABOVE GUIDELINE RANGE		
PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	267	57.0	13.0	46.3
Murder	1	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	180.0	48.0	39.7
Assault	5	60.0	30.0	75.6
Robbery	5	240.0	99.0	37.3
Arson	1	--	--	--
Drugs - Trafficking	29	60.0	15.0	30.4
Drugs - Communication Facility	3	7.3	1.3	21.0
Drugs - Simple Possession	2	--	--	--
Firearms	60	71.5	15.5	25.0
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	12	27.0	14.0	83.3
Fraud	48	48.0	11.5	35.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	5	36.0	15.0	87.5
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	3	120.0	51.0	42.1
Racketeering/Extortion	3	120.0	13.0	14.3
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	56	18.0	7.0	70.4
Pornography/Prostitution	12	228.0	66.5	54.8
Prison Offenses	2	--	--	--
Administration of Justice Offenses	6	25.5	9.5	63.9
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	4	36.0	21.0	150.0

¹Of the 40,877 cases, 308 were otherwise sentenced above the guideline range. Of these, 285 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional one case was also excluded from this table. Furthermore, 17 cases were excluded due to several logical criteria. Of the remaining 267 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, FY2006 datafile, (data extraction on June 1, 2006; table prepared on July 6, 2006). USSCFY06.

Summary numbers may not add up to their component parts due to rounding.